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SUBJECT: NETHERLANDS: COURT ORDERS TOP BITTORRENT SITE MININOVА TO REMOVE LINKS TO COPYRIGHT MATERIAL

¶1. (SBU) SUMMARY: A Dutch court has delivered another blow to BitTorrent web-sites operating in the Netherlands. The decision requires Mininova, reportedly the world's top BitTorrent site, to remove links to copyright material or face stiff fines. Dutch anti-piracy watchdog BREIN, which initiated the case, is pleased with the ruling and the legal precedent set. END SUMMARY.

¶2. (U) The Utrecht District Court ruled on August 26 that the Dutch-hosted BitTorrent site Mininova must remove links to all copyright-protected material. According to the court, although the site itself is not actually infringing copyright laws, it is helping and encouraging others to do so. The court gave Mininova three months to remove all the links from its site or face fines of 1.00 euro (USD 1.46) per link per day, up to a maximum penalty of 5 million euro (USD 7.3 million). The court also ordered Mininova to ensure no new links to copyright-protected material are added to its site.

¶3. (U) Mininova has until late November to decide whether to appeal the decision. Erik Dubbelboer, Mininova's co-founder, reacted to ruling in the press: "This means that we have to change our business operations. What this change will be, we cannot tell yet, we have to study the ruling in more detail. We are considering appealing."

¶4. (SBU) Tim Kuik, BREIN's director, told Econ Specialist the court's ruling was exactly what his organization had hoped for. He said Mininova has to remove all the links to content that "with reasonable doubt contains copyright-protected material." BREIN has also provided Mininova a title list of entertainment products (films, games, music) currently being sold in the Netherlands. Mininova has to investigate whether links on its site with similar names contain copyright-protected material.

¶5. (SBU) Kuik added that the ruling was important because the court held the BitTorrent operator itself responsible for searching links on its site for illegal material. He said "it would be great if this ruling could be an example for other countries, including the United States." BREIN continues its battle against BitTorrent sites and has sued The Pirate Bay in a case to be heard on October 8.

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